Appel, Elizabeth

alockesq@

Sent:

Tuesday, November 24, 2009 10:54 AM

To: Subject: Appel, Elizabeth the Tejon materials

Attachments:

1851 treaty.pdf; 12-12-1915.pdf; genealogy.pdf

Good morning, Liz:

We discussed three Tejon documents yesterday and they are attached to this email.

1. the 1851 treaty

You'll see that the treaty was signed by 6 leaders of the Tejon Band (spelled Texon in the treaty as well as in early BIA correspondence), including Vincente and Chico, two brothers. We said in the 2006 submission that is the We made a mistake. We should have said that

2. the 1915 Terrell census of the Indians of El Tejon Band

This first page of this document is poor quality - I apologize for that. But it is interesing not only for the census at the end but also for the description of the conditions under which the Tejon Indians were living on the ranch at the time.

3. the spreadsheet showing ancestors of present day members

This shows that all current members trace back to at least 2 individuals on the Terrell census and some have as many as 10 ancestors on that census.

This proves that the modern day tribe is the same tribe for which the US has exercised continuous trust responsibility.

Some individuals on the Terrell census had no surviving descendants and a few moved to the Tule River Reservation. However, all of that is beside the point. There isn't a tribe in the country that hasn't had some members join other tribal communities or simply assimilate into the dominant society. The important point is that the modern day tribe is clearly the same tribe for whom the US has exercised trust responsibility for more than 100 years.

I've also sending in a separate email (to avoid zipping) a few other documents that I thought might be helpful (really did try to limit it!)

- 1. the Oct. 28, 1916, request from DOI to DOJ to file a lawsuit on behalf of the Tejon Indians. This letter not only reflects the DOI view that it held a trust responsibility to the Tejon Indians, but also clearly identifies the Tejon indians as the same ones who appeared on the 1915 Terrell census.
- 2. the Nov. 9, 1916, recommendation that land be withdrawn from the public domain for the Tribe This documents refers to the "Tejon Band" as identified in the Terrell census.
- 3. the Dec. 20, 1920, bill of complaint filed by the US to assert a land claim for the tribe This document states the Tejon Band of Indians "are and from time immemorial have been tribal Indians, and at all times since July 7, 1846, have been and now are wards of the United States...."
- 4. the July 27, 1962, order restoring land to the public domain This document identifies the Tejon Indians as the band for whom the US had withdrawn land from the public domain in 1916
- 5. correspondence with Lee Fleming on relation to petitioning tribes

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TREATY WITH THE CASTAKE, TEXON, ETC., 1851.

TREATY MADE AND CONCLUDED AT CAMP PERSIFER F. SMITH, AT THE TEXAN PASS, STATE OF CALIFORNIA, JUNE 10, 1851, BETWEEN GEORGE W. BARBOUR UNITED STATES COMMISSIONER, AND THE CHIEFS, CAPTAINS AND HEAD MEN OF THE "CASTAKE," "TEXON," &c., TRIBES OF INDIANS.

A treaty of peace and friendship made and entered into at Camp Persifer F.

Smith at the Texon pass, in the State of California, on the tenth day of June, eighteen hundred and fifty-one, between George W. Barbour, one of the commissioners appointed by the President of the United States to make treaties with the various Indian tribes in the State of California, and having full authority to act, of the first part, and the chiefs, captains and head men of the following tribes of Indians, to wit: Castake, Texon, San Imirio, Uvas, Carises, Buena Vista, Sena-hu-ow, Holo-cla-me, Soho-nuts, To-ci-a, and Hol-mi-uh, of the second part.

ARTICLE 1. The said tribes of Indians jointly and severally acknowledge themselves to be under the exclusive jurisdiction, control, and management of the government of the United States, and undertake and promise on their part, to live on terms of peace and friendship with the government of the United States and the citizens thereof, with each other, and with all Indian tribes at peace with the United States.

ART. 2. It is agreed between the contracting parties, that for any wrong or injury done individuals of either party, to the person or property of those of the other, no personal or individual retaliation shall be attempted, but in all such cases the party aggrieved shall apply to the proper civil authorities for a redress of such wrong or injury; and to enable the civil authorities more effectively to suppress crime and punish guilty offenders, the said Indian tribes jointly and severally promise to aid and assist in bringing to justice any person or persons that may be found at any time among them, and who shall be charged with the commission of any crime or misdemeanor.

ART. 3. It is agreed between the parties that the following district of country be set apart and forever held for the sole use and occupancy of said tribes of Indians, to wit: beginning at the first forks of Kern river, above the Tar springs, near which the road travelled by the military escort, accompanying said commissioner to this camp crosses said river, thence down the middle of said river to the Carises lake, thence to Buena Vista lake, thence a straight line from the most westerly point of said Buena Vista lake to the nearest point of the Coast range of mountains, thence along the base of said range to the mouth or westerly terminus of the Texon pass or Canon, and from thence a straight line to the beginning; reserving to the government of the United States and to the State of California, the right of way over said territory, and the right to erect any military post or posts, houses for agents, officers and others in the service or employment of the government of said territory. In consideration of the foregoing, the said tribes of Indians, jointly and severally, forever quit claim to the government of the United States to any and all other lands to which they or either of them now have or may ever had any claim or title whatsoever.

which they or either of them now have or may ever had any claim or title whatsoever. ART. 4. In further consideration of the premises and for the purpose of aiding in the subsistence of said tribes of Indians for the period of two years from this date, it is agreed by the party of the first part to furnish said tribes jointly, (to be distributed in proper proportions among them,) with one hundred and fifty beef cattle, to average five hundred pounds each, for each year. It is further agreed that as soon after the ratification of this treaty by the President and Senate of the United States, as may be practicable and convenient, the said tribes shall be furnished jointly (to be distributed as aforesaid) and free of charge, with the following articles of property, to wit: six large and six small ploughs, twelve sets of harness complete, twelve work mules or horses, twelve yoke of California oxen, fifty axes, one hundred hoes, fifty spades or shovels, fifty mattocks or picks, all necessary seeds for sowing and planting for one year, one thousand pounds of iron, two hundred pounds of steel, five hundred blankets, two pairs of coarse pantaloons and two flannel shirts for each man and boy over fifteen years old, one thousand yards of linsey cloth, same of cotton

cloth, and the same of coarse calico, for clothing for the women and children, twentyfive pounds of thread, three thousand needles, two hundred thimbles, six dozen pairs

of scissors, and six grindstones.

ART. 5. The United States agree further to furnish a man skilled in the business of farming, to instruct said tribes and such others as may be placed under him, in the business of farming; one blacksmith, and one man skilled in working wood, (wagon maker or rough carpenter;) one superior and such assistant school-teachers as may be necessary; all to live among, work for, and teach said tribes and such others as they may be required to work for and teach. Said farmer, blacksmith, worker in wood and teachers to be supplied to said tribes, and continued only so long as the President of the United States shall deem advisable; a school house and other buildings necessary for the persons mentioned in this article, to be erected at the cost of the government of the United States.

This treaty to be binding on the contracting parties when ratified and confirmed by the President and Senate of the United States of America.

In testimony whereof, the parties have hereto signed their names, and affixed their seals, this the day and year first written.

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Texon:	•	G. W. BARBOUR.	[SEAL.]
	VINCENTE,	his x mark, chief.	[SEAL.]
	CHICO, his x PABLO, his x	mark, chief.	[SEAL.]
•	JOSE ANTOI	VIO, his x mark.	SEAL.
	MARTIN, his	T mark	[SEAL.]
	FRANCISCO	, his x mark.	[SEAL.]
Castake:	•		(ceru.)
Castake: San Imirio: Uvas: Carises: Buena Vista: Sena-hu-ow: Holo-cla-me: Soho-nuts:	RAFAEL, his	x mark, chief.	[SEAL.]
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	JUAN, MS X n	nark.	SEAL.
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	URBANO, his	x mark.	[SEAL.] [SEAL.]
Hol-mi-uh:			[nevn·]
	FRANCISCO,	his x mark, chief.	SEAL.
	TOMAS, his x	mark.	[SEAL.]

Signed and sealed in duplicate, after having been read and fully explained in the presence of-

H. S. Burton, Interpreter. KIT BARBOUR, Secretary.

W. S. King, Assistant Surgeon, United States Army.

J. H. LENDRUM, Brevet captain, third artillery. J. HAMILTON, Lieutenant, third artillery.

H. G. J. GIBSON, Second lieutenant, third artillery.

WALTER M. BOOTH.

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TREATY WITH THE DAS-PIA, YA-MA-DO, ETC., 1851.

TREATY MADE AND CONCLUDED AT CAMP UNION, NEAR YUBA RIVER, JULY 18, 1851, BETWEEN O. M. WOZENCRAFT, UNITED STATES INDIAN AGENT, AND THE CHIEFS, CAPTAINS, AND HEAD MEN OF THE DAS-PIA, YA-MA-DO, ETC., TRIBES

A treaty of peace and friendship made and concluded at Camp Union, near the Tuba river, between the United States Indian Agent, O. M. Wozen-craft, of the one part, and the chiefs, captains, and head men of the following tribes, viz: Das-pia, Ya-ma-do, Yol-la-mer, Wai-de-pacan, On-o-po-ma, Mon-e-da, Wan-muck, Nem-shaw, Bem-pi, Ya-cum-na tribes, of the other part.

ARTICLE 1. The several tribes or bands above-mentioned do acknowledge the United States to be the sole and absolute sovereign of all the soil and territory ceded to them by a treaty of peace between them and the republic of Mexico.

ART. 2. The said tribes or bands acknowledge themselves jointly and severally under the exclusive jurisdiction, authority and protection of the United States, and hereby bind themselves hereafter to refrain from the commission of all acts of hostility and aggression towards the government or citizens thereof, and to live on terms of peace and friendship among themselves and with all other Indian tribes which are now or may come under the protection of the United States; and furthermore bind themselves to conform to, and be governed by the laws and regulations of the Indian bureau, made and provided therefor by the Congress of the United States.

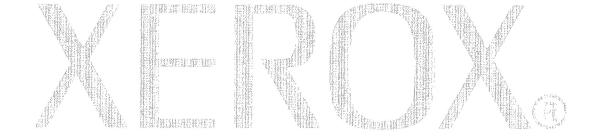
ART. 3. To promote the settlement and improvement of said tribes or bands, it is hereby stipulated and agreed that the following district of country in the State of California, shall be, and is hereby set apart forever for the sole use and occupancy of the aforesaid tribes of Indians, to wit: commencing on Bear River, at the western line or boundary of Camp Far West; from thence up said stream twelve miles in a due line; from thence on a line due north to the Yuba river; thence down said stream twelve miles on a due line of the river; from thence south to the place of beginning, to have and to hold the said district of country for the sole use and occupancy of said. Indian tribes forever. *Provided*, That there is reserved to the government of the United States the right of way over any portion of said territory, and the right to establish and maintain any military post or posts, public building school houses, houses for agents, teachers, and such others as they may deem necessary for their use or the protection of the Indians. The said tribes or bands, and each of them, hereby engage that they will never claim any other lands within the boundaries of the United States, nor ever disturb the people of the United States in the free use and enjoyment thereof.

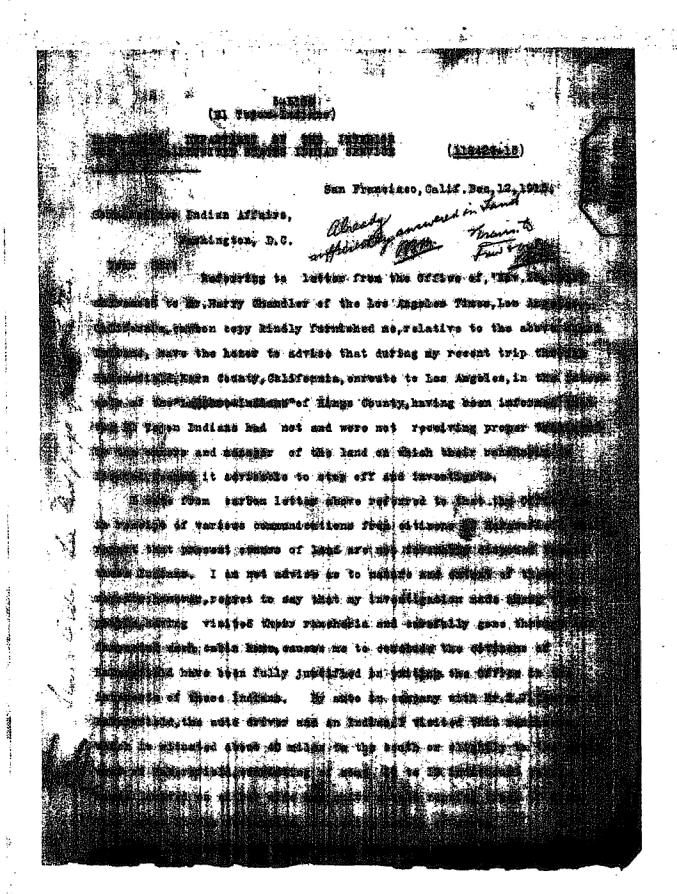
ART. 4. To aid the said tribes or bands in their subsistence, while removing to and making their settlement upon the said reservation, the United States, in addition to the few presents made them at this council, will furnish them, free of charge, with five hundred (500) head of beef cattle, to average in weight five hundred (500) pounds two hundred (200) sacks of nour, one hundred (100) pounds each, within the term of two years from the date of this treaty.

ART. 5. As early as convenient, after the ratification of this treaty by the President and Senate, in consideration of the premises, and with a sincere desire to encourage said tribes in acquiring the arts and habits of civilized life, the United States

Carol.LeaderCharge

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being very little furniture of any kind and exceedingly scent of beth bedding and clothing. The extent of the enclosed and used lands of these Indians will not exceed 15 acres, consisting of 8 or 16 small patches, the largest being that of the Chief, Juan Lexada, who has about 34 acres in his enclosure, the others ranging from 2 to about one acre, likely averaging 2 acre, given chiefly to garden uses, the the Chief has grown during the past year some native hay and has about 1 acre in all wills.

If information was that under orders of the ranch manager, I.

Began, there Indians have not and will not in the Enture be primitived
to increase their live-steek holding to any extent, not even sleep,
gotto or head. They have a few hereon, comparatively few, not exceeding
to head, of which only 6 or 7 of any servicable value. There is not
a milk cow on the rancheria, and was told by the Indians they are not
permitted to own cattle. That during the past summer they were expected
not to take water from the company ditch to irrigate their gameleus.

The Catholic people have built for these Indians a very seek little house for religious service, but mercenting to intermetion of the chief and Mr. Cambro, its door has been alread and locked against these people for some time. There is centrally built a very next little still house, eracing by the flowely, but being dented the desirable of a school this year in account of the orders of lieses, since the recent burning of Chief Lozada cabin home, has only been occupied by him. Lumber sent by the County this year to add to or in some may improve the school house has not and will not be used, having been recently sold, on account of opposition of the manager, who evidently acts under instructions from ranch evers.

Fred. R.L. Stockton, ex-Supt. of Schools, resident of Bakersinett,

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that he became so persistent in his opposition that he told him if he "Turther interfeared that he would have him arested".

The night before leaving Bakersfield I called on the present
Supt.Public Schools to learn why no school by the County has for some
time not been carried on for these Indians, and was informed by him
that it was the opposition of the ranch owners through their manager,
Lopex. This manager acting under instructions from the ranch owners
by repeated and persistent efforts has, I was informed, caused every
except the Chief,
Indian, representing the head of a family or living in any one of the
cabin homes to sign some character of agreement or lease contract,
which I suppose is intended more as recognition of the rights of the
owners and an estoppel to the Indian setting up any claim to the land,
than any thing else. The older Indians of this band have not entirely
abandoned the conviction that they have a legal right to the rand on
which their old village was situated. The following type-written notice
was through Lopez served on Chief Lozada, viz: "June 28, 1915. To Juan
Lozada (Chief Tejon)

You are hereby notified not to put any improvements, or buildings, or structures of any kind upon any of the lands and premises of the Tejon Ranch or Company, unless you sign a lease with them and permission is given you to so do- Tejon Ranch Co.by J.J.Lopez, Manager."

The recent buring at night of Lozada's home during his and his manifestation wife's absence in Bakersfield and the serving of this notice causes he and the other Indians to believe the ranch people are responsible for the burning of his house. Castro elso shares in this conviction.

Employment to from 8 to 12 of the most able-bodied of these Indians for from 2 to 3 months during each year, paying a nominal wage, slightly less than is usually paid for such work, and that 2 to 3 have work en the ranch nearly the entire year. These Indians taken as a whole are mentally rather weak, with possible exception of the Chief, and therefore more easily imposed upon. As I noted the situation, so long as through

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their present manager these Indians may be kept environed, controlled and used as in the past, there is not the remotest probability of the present owners of the mach desiring to make any change which will effect adversely the interests of the Tejon Indians.

As I see it, these Indians have proven more of an asset to this ranch than a disadvantage. I am confident not a single Indian has every been employed by the ranch owners until needed and only kept in service as long as their interests suggested, and I am reasonably have certain that no better wages, been paid them than paid for similar work elsewhere. This ranch consists of over 200,000 acres, and the Indian he, rancheria situated as it is therein, hardly mentally capacitated to protect himself against impositions, far removed from white friends who might see and protect him, denied the possibility of ever increasing his holdings, in that these ranch owners, as I understand, refuse to sell as part of their holdings for a permanent home for these people, nor, under present successful management, can he hope for a school for his children, causes me to conclude that these Indians should be removed entirely off this company land as soon as possible.

During my short stay in Bakersfield in efforts to secure reliable information concerning these Indians, after first meeting Castro, who was suggested to me as the best and most valuable friend to these people, at his suggestion I called upon Mr.R.McDonald, editor of one of the papers, 1723 Chester Ave., E.J.Emmons, Atty.in Producers Bank Building, Judge H.A.Peairs, Judge of the Superior Court, Prof.R.L.Stockton and some few others. All of these gentlemen expressed the opinion, though with some, such opinion was reached largely from other than actual personal knowledge, that these Indians have not in the past met with just, fair and humane treatment, some seemingly believing that their present conditions is tiens and little short of peonage.

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Page 5.

It is with deep regret that duty as I understand it, for I feel that the Office, hear what I have heard, forces me to report the mest serious charge yet mentioned. The man, T.C. Castro, who has spent considerable of his time among these indians, has known the band all his live, speaks their language as well or better than they do, makes no screet in the charge that during the past several years this man Lopez, who, has been on this ranch for the past 35 or 50 years, since company ownership as ranch manager, has so managed as to be able to take unlawful and unholy advantage of a number of the young and most prepossessing girls of this band, accomplishing his unholy deeds, me insist, about the period of their reaching young womanhood, or soon thereafter.

I made mention of this serious charge to Judge Peairs, who had to say that while he had heard these charges, and that Castro had discussed the same with him, yet he could conclude they have every reached such nature as to be susceptible of proof in court. The remoteness of the Indian rancheria and the ignorance of these people make them easy victims of wicked designing men.

Both Mr Emmons and Mr.McDohald have promised to try and find some suitable location for these Indians to the east, up the creek outside of the ranch company enclosure, and write me results of their efforts.

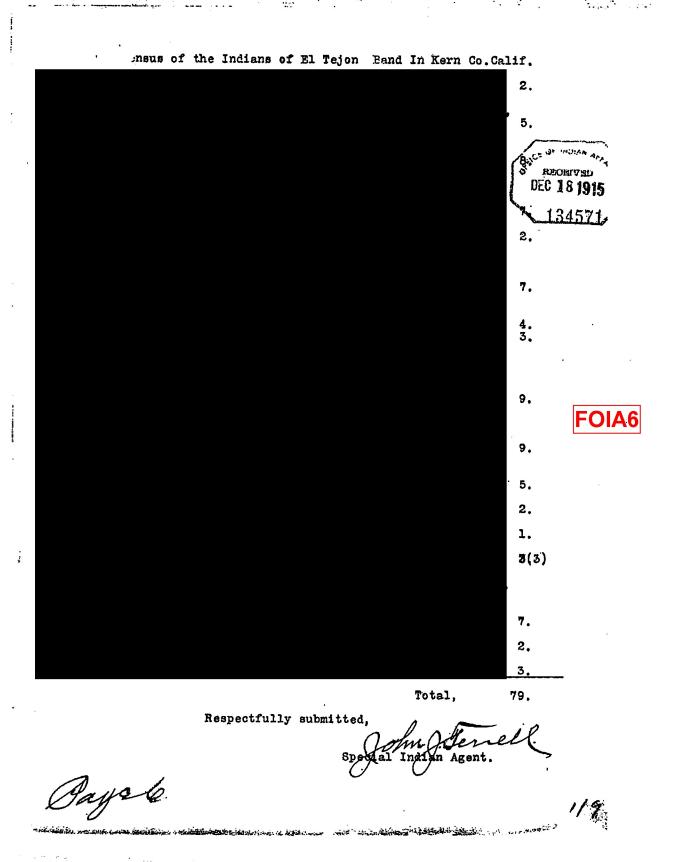
Mr McDonald expressed the conviction that such place could be found, and that people should be removed as soon as possible.

I shall write both he and Mr. Emmons within the nex few days.

If not under present appropriation, then would suggest that under next, this Indians should have first relief from their present unfortunate environments.

Very respectfully,

(See Census herete attached, numberng a total of 79.)



Carol.LeaderCharge

Genealogical Relationships within the Tejon Band in 1915

Prepared by

Prepared by John R. Johnson, Ph.D. Curator of Anthropology Santa Barbara Museum of Natural History

May 2006

Key to Genealogical Diagrams, Figures 1 - 6



Married couple



Deceased Tejon man



Deceased Tejon woman



Non-Indian husband

Notes

Band as reported by Special Agent John J. Terrell (see Table 1). Only the names of those people listed in The numbers given for each individual correspond to the order of listing in the 1915 census of the Tejon the census appear in Figures 1-6. Those Tejon Indian forebears and previous spouses who had died prior to the 1915 census are not listed by name.

from the estimated ages in Terrell's 1915 census. The dates provided in Figures 1-6 were largely based 1928 California Indian Jurisdictional Act. Information regarding dates of death and place of burial were The dates of birth given in these genealogical diagrams sometimes differ from what would be expected upon more accurate information contained in baptismal records and the 1933 roll compiled under the nostly obtained from Kern County death records.

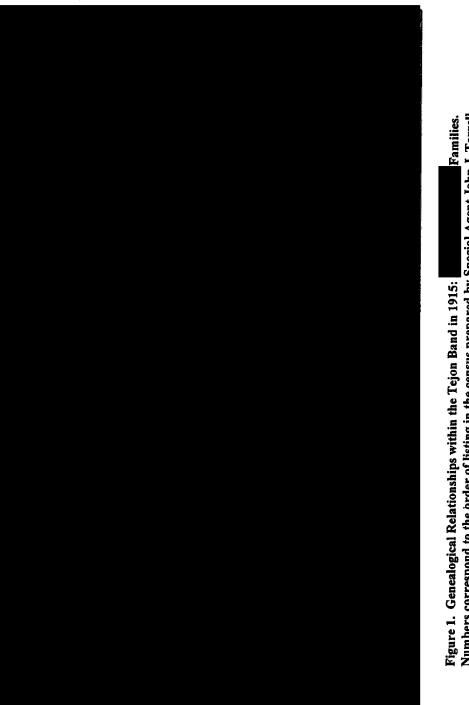
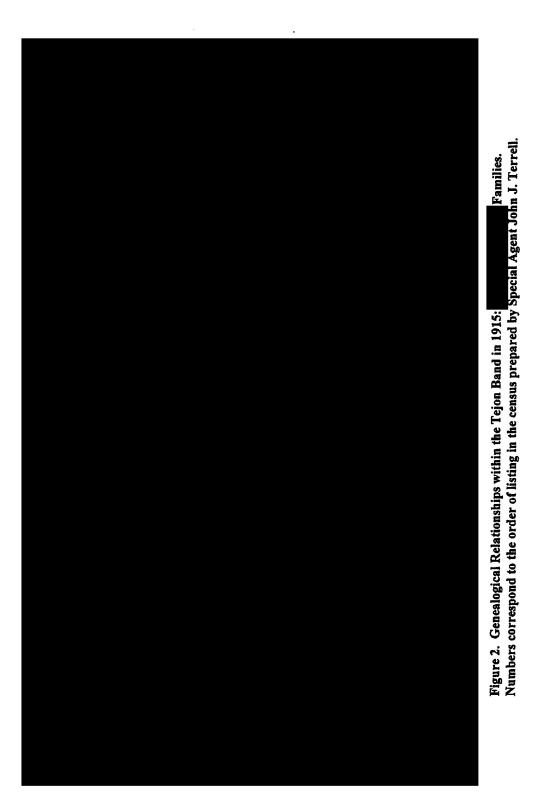


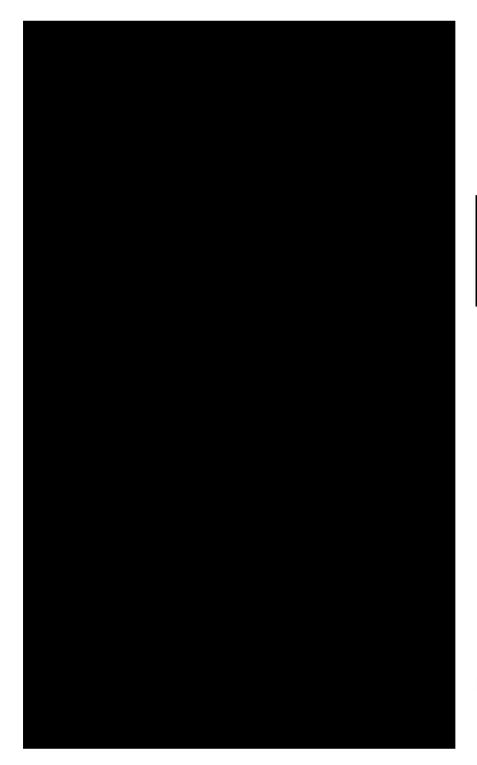
Figure 1. Genealogical Relationships within the Tejon Band in 1915: Francisco Families. Numbers correspond to the order of listing in the census prepared by Special Agent John J. Terrell.

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and Relatives. Figure 3. Genealogical Relationships within the Tejon Band in 1915.

Numbers correspond to the order of listing in the census prepared by Special Agent John J. Terrell.



Families. Figure 4. Genealogical Relationships within the Tejon Band in 1915: Families. Numbers correspond to the order of listing in the census prepared by Special Agent John J. Terrell.





Families. Figure 5. Genealogical Relationships within the Tejon Band in 1915: Numbers correspond to the order of listing in the census prepared by Special Agent John J. Terrell.



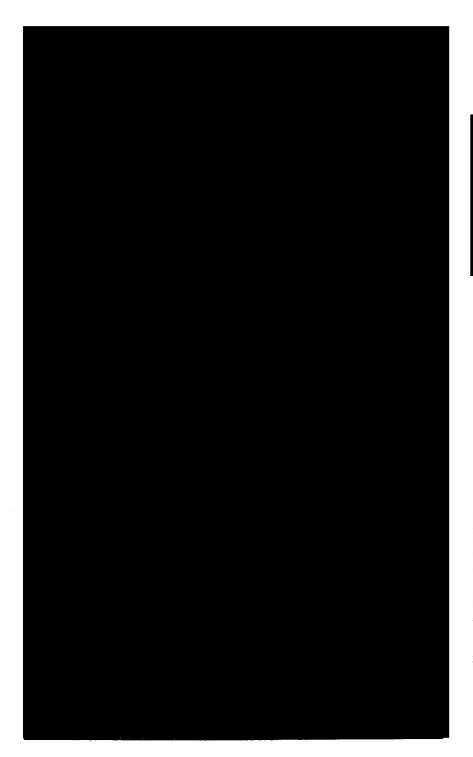
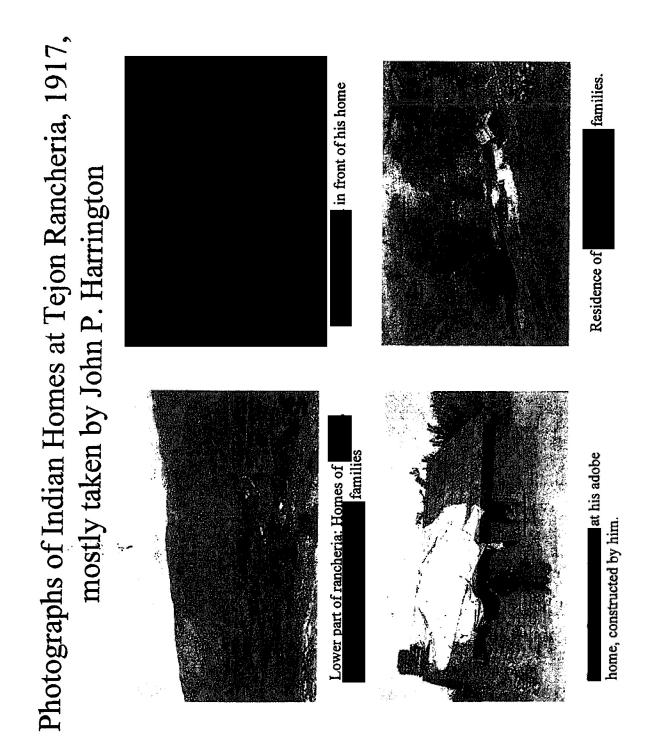
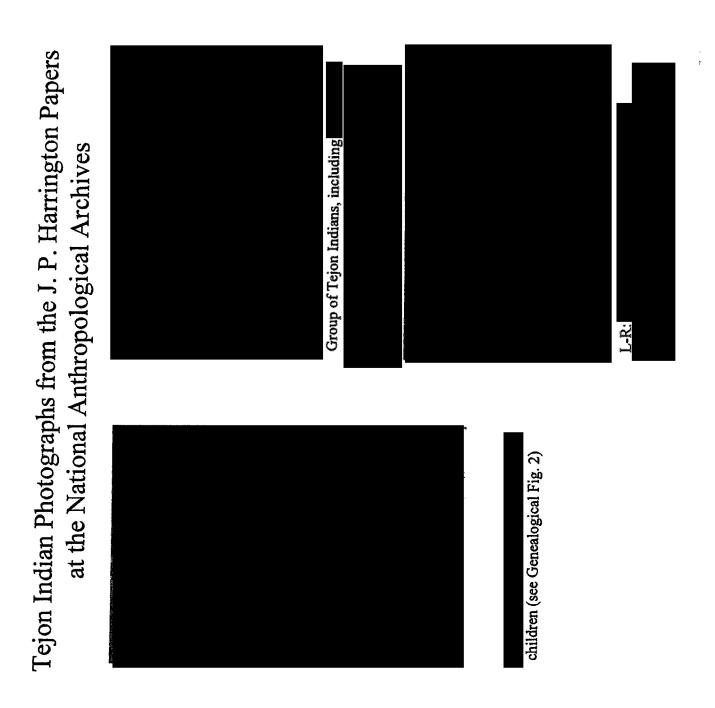


Figure 6. Genealogical Relationships within the Tejon Band in 1915: Numbers correspond to the order of listing in the census prepared by Special Agent John J. Terrell.









acorn meal in bedrock mortars near their home children: preparing FOIA6 (see Genealogical Fig. 3) taken by John P. Harrington in 1917 Tejon Indian Photographs L-R: (see Figs. 3 – 4) (see Genealogical Fig. 3)

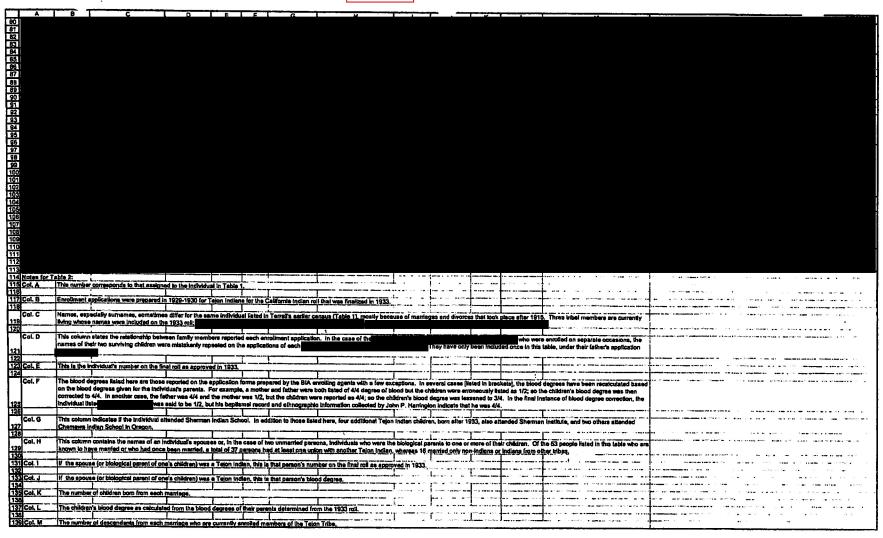
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PROHIBITED FROM DISCLOSURE PURSUANT TO THE FREEDOM OF INFORMATION ACT, EXEMPTION 6 (5 U.S.C. § 552(b)(6) (2000)) AND THE PRIVACY ACT 5 U.S.C. § 552a(b)

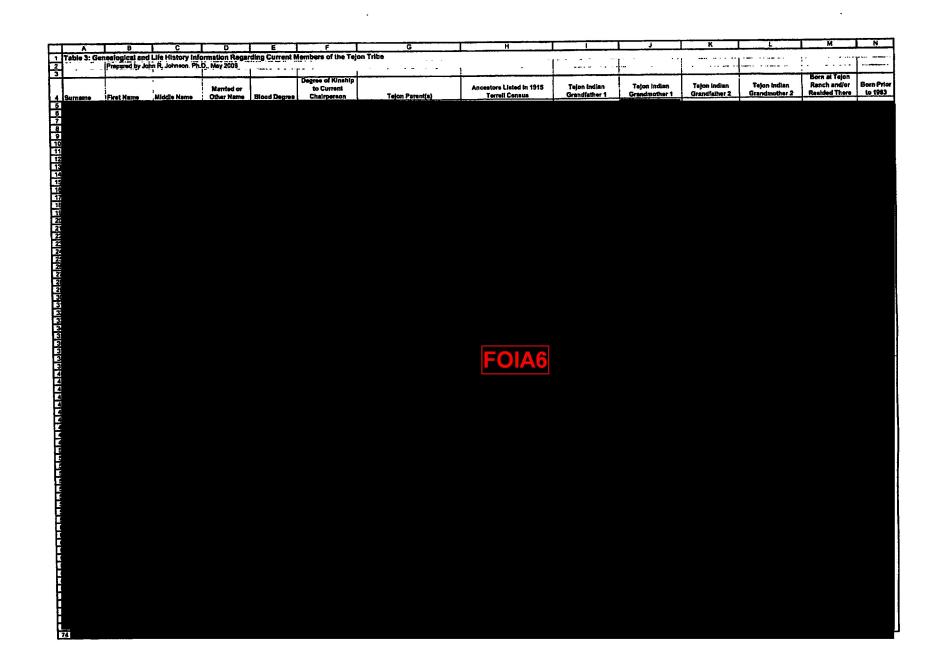
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	and ethnohistoric sources. C	Only one individual	cannot be identified in this	list This name has not been found in other reco	rds and was not recon	ips neve deen chert	intendened in the 1900s by John Lei	al information from ethnographic
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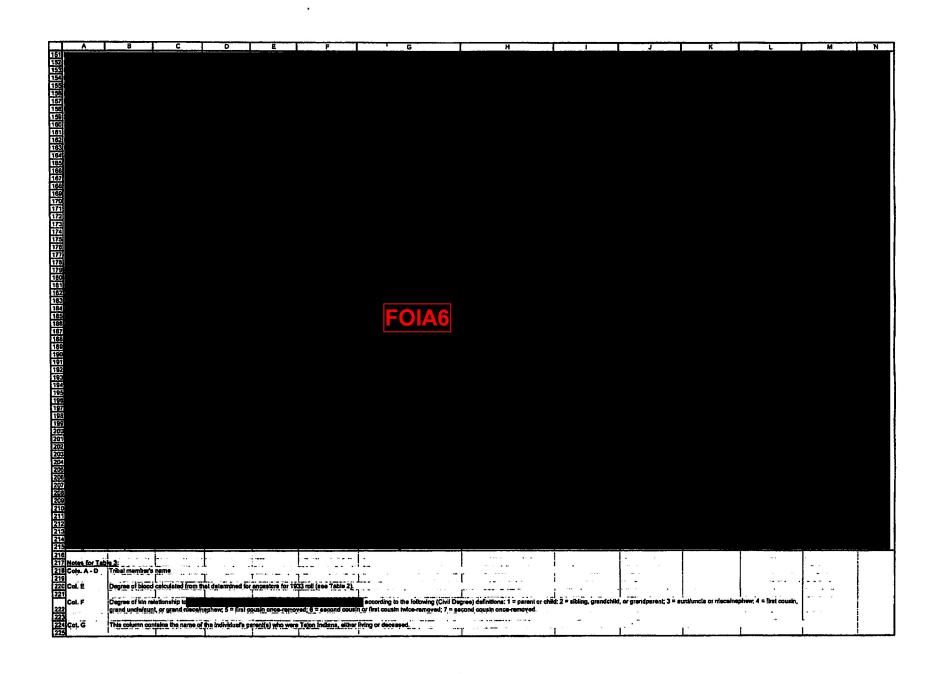




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231 232 Col. N	This column shows what			1	were restored to the public do		L		" [1	

John R. Johnson, Ph.D. Brief Biography Pertaining to Tejon Ethnohistory

John R. Johnson has served as curator of anthropology at the Santa Barbara Museum of Natural History since 1986. He undertook graduate studies in anthropology at the University of California, Santa Barbara beginning in 1978 and completed his Ph.D. in 1988. Dr. Johnson has contributed to many aspects of California Indian studies during the course of his career, and in particular has specialized in the ethnohistory of Native Americans in central and southern California. He has authored or co-authored more than 60 published articles in peer-reviewed journals and edited volumes. In addition to his museum responsibilities, Dr. Johnson teaches an anthropology course on California Indians at the University of California, Santa Barbara.

Since 1977, while working in the cultural resources program for Los Padres National Forest, Dr. Johnson began studying the ethnohistory of the Tejon region of the southern San Joaquin Valley. His initial interviews with Tejon Indians commenced in 1984, and he has worked steadily since that time compiling an extensive amount of biographical and genealogical information pertaining to Tejon families. He has conducted about 35 interviews with members of the Tejon tribe, especially emphasizing the eldest generation that was brought up in the Tejon rancheria. Four tape-recorded oral history interviews were with elders now no longer living.

Dr. Johnson has traced the family lineages of current tribal members from their forebears as far back as eight or nine generations using California mission registers, the records of the mid-nineteenth century Tejon reservation, census records, ethnographic papers, and BIA documents. He has gathered an extensive collection of historical photographic images from various archives and family albums and identified the people and places through information provided by tribal elders and research in primary sources. Six of Dr. Johnson's published works pertain as a whole or in part to Tejon ethnohistory, and he was consulted by Dr. George Phillips for the latter's recent book, "Bringing Them under Subjection:" California's Tejón Indian Reservation and Beyond, 1852-1864.